

California Regional Water Quality Control Board  
North Coast Region

Order No. 98 - 64

Requiring

Cream's Dismantling and Scrap, Inc.  
to  
Cease and Desist Discharges of Waste  
in Violation of NPDES Permit CAS000001

at  
1588 Airport Boulevard  
Santa Rosa, California

Sonoma County

The California Regional Water Quality Control Board, North Coast Region, finds that:

1. Joseph and Florence Cream own property (hereinafter site) located at 1588 Airport Boulevard, Windsor, Sonoma County, California (APN #059-250-03 and #059-250-04). The site has been operated by Joseph Cream as an automobile wrecking and dismantling yard since approximately 1966. Joseph Cream currently operates Cream's Dismantling and Scrap, Inc. (Cream's) at the site.
2. Joseph Cream, as owner of Cream's Auto Dismantlers, submitted a Notice of Intent to Comply (NOI) with General Permit No. CAS000001, Waste Discharge Requirements for Discharge of Storm Water Associated with Industrial Activities Order 92-12-DWQ (hereinafter Order 92-12-DWQ) on April 3, 1992. The permit was issued on November 18, 1992. The general permit was revised in May of 1997, and now Order 97-03-DWQ is intended to cover all new or existing discharges composed of industrial storm water runoff, reducing pollutants discharging from industrial facilities. Joseph Cream, as President of Cream's Dismantling and Scrap, Inc. (Cream's), submitted a NOI to comply with Order 97-03-DWQ on September 25, 1997.
3. The dischargers have used poor waste management practices, failed to develop and implement an adequate storm water pollution prevention plan (SWPPP) in a timely manner, failed to develop and implement an adequate monitoring program in a timely manner, and not complied with the Standard Provisions of Order 92-12-DWQ and revised Order 97-03-DWQ.
4. The following provisions of Order 92-12-DWQ were violated:

Provision A.3. of Order 92-12-DWQ

A.3. Storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance.

Provision C.2. of Order 92-12-DWQ

C.2. All dischargers must develop and implement a Storm Water Pollution Prevention Plan for each facility covered by this general permit in accordance with Section A: Storm Water Pollution Prevention Plan.

Provision C.3. of Order 92-12-DWQ

C.3. All dischargers must develop and implement a Monitoring and Reporting Program Plan for each facility covered by this general permit in accordance with Section B: Monitoring Program and Reporting Requirements.

Section B: Monitoring Program and Reporting Requirements

16. All dischargers shall submit an annual report by July 1 of each year to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located and to the local agency (if requested).
5. An accumulation of past waste discharges to the ground surface, untimely development and incomplete implementation of both a SWPPP and monitoring plan threaten to cause future violations of Order 97-03-DWQ and ongoing pollutant discharges in storm water runoff and groundwater. Site storm water runoff discharges to Redwood Creek, Windsor Creek, Mark West Creek, and the Russian River.
6. The adoption of a cease and desist order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) pursuant to Title 14, California Code of Regulations, sections 15308 and 15321(a)(2), and Water Code Section 13389.

THEREFORE, IT IS HEREBY ORDERED THAT: Cream's shall cease and desist from threatening to discharge in violation Order 97-03-DWQ in accordance with the following schedule:

Task		Completion Date
A.	Submit an engineered workplan for Executive Officer approval which identifies all necessary modifications to the storm water runoff and treatment system. The system shall capture and adequately treat all site runoff from fenced areas, and be adequately sized to handle a minimum 24 hour duration, 25 year return frequency storm event.	June 1, 1998
Task		Completion Date

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B. Submit treated effluent monitoring data by the specified completion date.	June 22, 1998
C. Submit a complete Annual Report in accordance with Section B. 14. of Order 97-03-DWQ	July 1, 1998
D. Complete construction of new storage and dismantling structures.	August 30, 1998
E. Complete all necessary actions to implement water treatment system improvements in accordance with item A. above.	September 15, 1998

Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the forgoing is a full, true, and correct copy of a Cease and Desist Order adopted by the California Regional Water Quality Control Board, North Coast Region on May 28, 1998.

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Lee A. Michlin  
Executive Officer

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